

**NOTICE OF PREPARATION
OF AN
ENVIRONMENTAL IMPACT REPORT
FOR THE
FLEA MARKET PLANNED DEVELOPMENT REZONING**

**San José, California
April, 2005**

PROJECT APPLICANT: The Flea Market, Inc.
FILE NO: PDC03-108
APNs: 241-03-020; 241-04-006 and 007;
254-17-007, 034, 052, 053, 084, and 095.

As the Lead Agency, the City of San José will prepare an Environmental Impact Report for the above-referenced project and would like your views regarding the scope and content of the environmental information to be addressed in the EIR. This EIR may be used by your agency when considering approvals for this project.

The project description, its location, and a brief summary of potential environmental effects are attached. The Notice of Preparation is also available for review online at the City of San José's website: <http://www.sanjoseca.gov/planning/eir/eir.htm>. Comments and questions regarding the EIR should be referred to Janis Moore of the Department of Planning, Building and Code Enforcement at (408) 277-4576 or by e-mail at Janis.moore@sanjoseca.gov.

According to State law, the deadline for your response is 30 days after receipt of this notice; however, we would appreciate an earlier response, if possible. Please identify a contact person, and send your response to:

City of San José
Department of Planning, Building & Code Enforcement
Attention: Janis Moore
801 North First Street, Room 400
San Jose, California 95110-1795
(408) 277-4576

Stephen Haase
Director of Planning, Building & Code Enforcement

Deputy

Date: _____

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A. INTRODUCTION

The purpose of an Environmental Impact Report (EIR) is to inform decision makers and the general public of the environmental effects of a proposed project. The EIR process is intended to provide environmental information sufficient to evaluate a proposed project and its potential for significant impacts on the environment, to establish methods for reducing adverse environmental impacts, and to consider alternatives to a project, prior to the approval of the project.

The EIR for the proposed Planned Development (PD) Rezoning on the 120.3-acre site in San José will be prepared and processed in accordance with the California Environmental Quality Act (CEQA) of 1970, as amended. In accordance with the requirements of CEQA, the EIR will include:

- A summary of the proposed project and its potential environmental effects;
- A project description;
- A description of the existing environmental setting, potential environmental impacts, and mitigation measures;
- Alternatives to the project as proposed;
- Environmental consequences, including: (a) any significant environmental effects which cannot be avoided if the project is implemented; (b) any significant irreversible and irretrievable commitments of resources; (c) the growth-inducing impacts of the proposed project; (d) effects found not to be significant; and (e) cumulative impacts.

B. PROJECT LOCATION

The project is proposed on the site of the San José Flea Market, which is located on both sides of Berryessa Road, east of Coyote Creek, west of the Union Pacific railroad right-of-way, and north of Mabury Road in the City of San José. The Flea Market site encompasses a total of 120.3 acres, 57.05 acres on the north side of Berryessa Road and 63.25 acres on the south side of Berryessa Road. Regional and vicinity maps of the project site are attached as Figures 1 and 2, respectively.

C. DESCRIPTION OF THE PROJECT

The project proposes to rezone the project site to A(PD) Planned Development Zoning District to allow for the future development of residential and commercial/industrial uses, consistent with the existing General Plan designations on the property, which are Transit Corridor Residential (20+ DU/AC), Medium Density Residential (8-16 DU/AC), Public Park/Open Space and Combined Industrial/Commercial with a "Floating Park" designation. The proposed rezoning would allow for the development of up to 2,855 residential units and up to 1,500,000 square feet of commercial/industrial, which could include offices, research and development, neighborhood retail, and/or retail. Main access to the project site will be from both Berryessa and Mabury Road.

The project also includes 29.31 acres of public park/open space uses, a 2.3-acre parcel on the south half of

the project site for the future construction of a BART parking structure, and a three-acre parcel on the northeast corner of the site for the development of an urban school. Adjacent to the three-acre school site parcel, the project includes a 3.23-acre parcel for the construction of play fields.

D. POTENTIAL ENVIRONMENTAL EFFECTS OF THE PROJECT

The EIR will address the following environmental issues: land use, population and housing, transportation, geology and soils, hydrology and water quality, hazards and hazardous materials, cultural resources, visual and aesthetics, biological resources, air quality, noise, utilities and service systems, availability of public facilities and services, energy, cumulative impacts, alternatives to the project, and growth inducing impacts. A brief discussion of the probable environmental impacts is presented below.

Land Use

The EIR will describe the existing land uses on the project site and in the project area, and the current General Plan and zoning designations of the site. The EIR will describe the uses proposed by the project, their relationship to existing development in the area, and will identify any land use impacts that could result to and from the proposed project. Land use impacts resulting from the juxtaposition of the proposed uses on the site will also be addressed. Mitigation and avoidance measures will be identified for significant land use impacts, as appropriate.

The EIR will describe the existing population and housing in the City and the existing jobs/housing imbalance. Physical environmental effects resulting from the project's impact upon population and housing in the City will be discussed. Mitigation and avoidance measures will be identified for physical environmental impacts resulting from population and housing impacts, as appropriate.

Because BART is not an existing facility in this area, the land use and other impacts of developing this project next to BART will be addressed in the Cumulative Impacts section of the EIR.

Transportation

The traffic impact analysis prepared for the EIR will describe the traffic impacts of the proposed project. The impacts of the proposed development will be evaluated following guidelines of the City of San José and the Congestion Management Program (CMP). The study will determine the traffic impacts of the proposed project on key intersections and freeway segments in the vicinity of the project site. The operating level of service for the study intersections will be calculated for the existing, background, and project conditions. Mitigation and avoidance measures will be identified for any significant traffic impacts.

Geology and Soils

Soils on the site are expansive and subject to liquefaction. The proposed development will also be subject to seismic events. The EIR will describe geology and soil constraints that may impact the proposed project and will identify mitigation and avoidance measures for significant geology and soils impacts, as appropriate.

Hydrology and Water Quality

Portions of the project site are located in the 100-year flood plain. The Santa Clara Valley Water District (SCVWD) is currently developing flood control projects for Upper Penitencia Creek and Coyote Creek. The EIR will discuss the potential for flood impacts, appropriate mitigation and avoidance measures, and the relationship of the SCVWD projects to the proposed project.

The project will be required to conform to the National Pollutant Discharge Elimination System (NPDES), including Provision C3. The EIR will evaluate the project's consistency with the SCVWD projects and the

NPDES program. Mitigation and avoidance measures will be identified for any significant hydrology and water quality impacts, as appropriate.

Hazards and Hazardous Materials

The EIR will address any existing hazards or hazardous material conditions on and adjacent to the site, including the presence of a high-pressure gas line on the southern half of the project site. Mitigation and avoidance measures will be identified for significant hazardous materials impacts, as appropriate.

Cultural Resources

The EIR will address any existing cultural resources on and adjacent to the site, including the presence of a known historic site along Coyote Creek on the south half of the project site. Mitigation and avoidance measures will be identified for significant cultural resource impacts, as appropriate.

Visual and Aesthetics

The EIR will describe the existing visual character of the project site and surrounding area and any impacts to scenic views that will result from development of the proposed project. Mitigation and avoidance measures will be identified for significant visual or aesthetics impacts, as appropriate.

Biological Resources

The project site is located adjacent to the riparian corridors of Coyote Creek and Penitencia Creek. A description of the existing biological resources on and in proximity to the site, impacts of the proposed project on the existing biological resources, and appropriate mitigation and avoidance measures will be included in the EIR.

Air Quality

The EIR will describe the existing air quality conditions in the Bay Area and will evaluate the air quality impacts of the proposed project, based on a detailed air quality analysis prepared for the proposed project. Mitigation and avoidance measures will be identified for significant air quality impacts, as appropriate.

Noise

A noise analysis prepared for the proposed project will determine the existing ambient noise levels on the project site. The EIR will also address the compatibility of the proposed uses with the project site's existing and future noise exposure, offsite impacts resulting from onsite noise sources, project-generated traffic noise impacts to sensitive receptors in the area, and the temporary noise increase during project construction. Mitigation and avoidance measures will be identified for significant noise impacts, as appropriate.

Utilities and Service Systems

The EIR will describe existing and planned utility and service systems (e.g., water, sanitary sewer, storm sewer, and garbage) in the project area and the increased demand for these utilities and services that will result from the proposed project. Mitigation measures will be identified for significant impacts, as appropriate. To the extent that new systems or extensions of infrastructure can be identified, the impacts of their construction will be identified in the EIR.

In accordance with the requirements of SB 610, the EIR will describe the existing water supply that serves the project site and will evaluate the impacts of the proposed project on this water supply. Mitigation measures will be identified that would avoid or reduce significant water supply impacts, as appropriate.

Availability of Public Facilities and Services

The EIR will address the ability of existing and planned public facilities and service systems to meet demands generated by the proposed project. Only physical impacts to the environment will be identified, such as the need to construct new facilities.

Energy

The EIR will examine the potential for the project to result in energy impacts including any substantial increase in energy demand, and will discuss any energy conservation measures included in the project. In conformance with CEQA Section 15126.4(a)(1)(C), energy conservation measures will be identified for significant impacts, as appropriate.

Cumulative Impacts

In conformance with CEQA, this section will address the impacts of implementing this proposed project in combination with other past, present and reasonably foreseeable future projects, including BART. Mitigation and avoidance measures will be identified for significant cumulative impacts, as appropriate.

Alternatives to the Project

Alternatives to the proposed project will be evaluated, including a “No Project” alternative. Other alternatives analyzed will be selected based on their ability to avoid or lessen one or more significant impacts while still meeting most of the basic objectives of the proposed project.

Growth Inducing Impacts

The EIR will discuss the ways in which the project could foster growth in the surrounding environment.

Other CEQA Sections

The EIR will include other sections required by CEQA, including Significant Unavoidable Impacts, Significant Irreversible Environmental Changes, Authors and Consultants, References, and Technical Appendices.